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June 22, 2020

Via ECF Filing

The Honorable Maryellen Noreika
United States District Court for the District of Delaware
844 N. King Street
Wilmington, DE 19801

Re: *Biogen Int'l GmbH. et al. v. Cipla Limited et al.*
C.A. No. 17-cv-00851-MN (Consolidated)
(lead case: 17-cv-00823-MN)

Dear Judge Noreika:

I write on behalf of Defendants Cipla Limited and Cipla USA Inc. (collectively “Cipla”) in the above-referenced action. Biogen’s case against Cipla is presently stayed, *see* D.I. 223, and Cipla is bound by any judgment in the pending Dimethyl Fumarate Consolidated action, C.A. No. 17-cv-00823-MN, which shall be entered with respect to Cipla “at the same time as entered in the Dimethyl Fumarate Consolidated Action.” *See* D.I. 223 ¶¶ 2, 7. Cipla seeks clarification regarding whether the Court’s Oral Order of June 19, 2020, permitting supplemental briefing of no more than five pages addressing the effect of the West Virginia Court’s *Mylan* opinion and decision on the issues pending before this Court, permits Cipla, and presumably the other stayed-defendants, to participate in the briefing. While Cipla recognizes that its case is stayed, the nature of the issue is one that affects stayed parties as well those at trial because the collateral estoppel effect of the *Mylan* decision applies equally to the unstayed and stayed defendants. *Blonder-Tongue Laboratories, Inc. v. University of Illinois Foundation*, 402 U.S. 313 (1971).

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Accordingly, Cipla respectfully requests the Court clarify whether Cipla is permitted to participate in the supplemental briefing ordered by the Court. Alternatively, given the importance of the issue, Cipla respectfully requests permission from the Court to submit its own supplemental briefing, limited to three double-spaced pages, regarding the effect of the West Virginia Court's *Mylan* opinion and decision on the present case.

Cipla greatly appreciates Your Honor's assistance with the foregoing request, and can be available anytime this week if Your Honor would prefer a teleconference.

Respectfully submitted,

/s/ Daniel B. Rath

Daniel B. Rath (No. 3022)

DBR/jlc

cc: all counsel of record (via ECF Filing)